

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 HAWATHA ROSS,

4 Plaintiff

5 v.

6 ROSS STORES, INC.,

7 Defendant

Case No.: 3:20-cv-00702-MMD -WGC

**Report & Recommendation of  
United States Magistrate Judge**

9 This Report and Recommendation is made to the Honorable Miranda M. Du, United  
10 States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28  
11 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

12 Plaintiff filed an application to proceed *in forma pauperis* (IFP) and pro se complaint.  
13 (ECF Nos. 1, 1-1.) On March 24, 2021, the undersigned issued an order granting the IFP  
14 application, but dismissing the complaint with leave to amend, finding that Plaintiff did not  
15 include sufficient facts to state a colorable claim of racial discrimination under 42 U.S.C.  
16 § 1981. Plaintiff was given 30 days to file an amended complaint. (ECF No. 3.) Plaintiff has  
17 failed to do so; therefore, this action should be dismissed with prejudice.

18 **RECOMMENDATION**

19 IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING**  
20 this action **WITH PREJUDICE**.

21 Plaintiff should be aware of the following:

22 1. That Plaintiff may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written  
23 objections to this Report and Recommendation within fourteen days of being served with a copy

1 of the Report and Recommendation. These objections should be titled “Objections to Magistrate  
2 Judge’s Report and Recommendation” and should be accompanied by points and authorities for  
3 consideration by the district judge.

4 2. That this Report and Recommendation is not an appealable order and that any notice of  
5 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed  
6 until entry of judgment by the district court.

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8 Dated: January 3, 2022

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William G. Cobb  
United States Magistrate Judge

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